

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

RODNEY N. CAFFEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:22cv542-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendants.)	

OPINION

Plaintiff filed this lawsuit against multiple defendants in state court asserting claims associated with a prescription he received for Lipitor/Atorvastatin. After removing the case to this court and substituting itself for two defendants, the United States moved to dismiss the claims against it for failure to exhaust administrative remedies under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that the government's motion to dismiss the claims

against it be granted. In the recommendation, the magistrate judge further finds that this court has diversity-of-citizenship jurisdiction over the claims against the remaining defendants. Also before the court is a document (Doc. 53) filed by the plaintiff that is labelled as a response to a show-cause order; the court construes it as objections to the recommendation. In the document, plaintiff objects to the recommendation only to the extent that the magistrate judge finds that the court has diversity jurisdiction over the remaining claims. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 5th day of June, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE